

# SENATE RECORD VOTE ANALYSIS

105th Congress  
1st Session

Vote No. 165

July 9, 1997, 7:21 pm  
Page S-7090 Temp. Record

## DEFENSE AUTHORIZATION/Base Closures

**SUBJECT:** National Defense Authorization Act for fiscal year 1998 . . . S. 936. Dorgan/Lott/Daschle amendment No. 771 to the McCain amendment No. 705.

### ACTION: AMENDMENT AGREED TO, 66-33

**SYNOPSIS:** As reported, S. 936, the National Defense Authorization Act for fiscal year 1998, will authorize a total of \$268.2 billion in budget authority for national defense programs (the President requested \$265.6 billion). In real terms, this bill will authorize \$3.3 billion less than was provided in fiscal year (FY) 1997.

The McCain/Levin amendment would authorize two additional military base closure rounds by the Base Realignment and Closure (BRAC) Commission, one in 1999 and one in 2001. The rounds would be conducted in the same manner as the previous four rounds, with the exception that a clarification would be added that the President could not carry out the "privatization in place" of an installation unless the BRAC Commission had specifically listed that action as an option and that option was determined to be the most cost-effective option. (In the last base closure round, President Clinton ordered two bases that were to be closed to be kept open as private-sector concerns that would continue to perform the same functions. He called this action "privatization in place." Base closure rounds are intended to reduce defense costs by eliminating excess base infrastructure capacity. There have been four rounds, in 1988, 1991, 1993, and 1995. The Commission is composed of independent defense experts who assess military needs and make recommendations for closing and realigning military bases. Approximately 100 bases have been or will be closed from these rounds; approximately 400 others remain. For each round, the Commission sends a list of its recommendations to the President. The President may accept or reject the entire list, but may not accept or reject individual recommendations. If he accepts it, Congress may then only accept or reject the entire list.) The McCain amendment would also require the President to report to Congress before these rounds on whether they were needed, on the amount of any excess base capacity, on the type of any excess capacity, on the criteria and methodologies that would be used in determining which bases to close, and on the estimated costs and savings that would accrue.

**The Dorgan/Lott/Daschle second-degree amendment** would strike the requirements of the McCain amendment and instead

(See other side)

YEAS (66)			NAYS (33)		NOT VOTING (1)	
Republicans (42 or 76%)		Democrats (24 or 55%)	Republicans (13 or 24%)	Democrats (20 or 45%)	Republicans (0)	Democrats (1)
Abraham	Helms	Akaka	Chafee	Biden		Mikulski- <sup>2</sup>
Allard	Hutchinson	Baucus	Coats	Bryan		
Ashcroft	Hutchison	Bingaman	Enzi	Byrd		
Bennett	Inhofe	Boxer	Gorton	Feingold		
Bond	Jeffords	Breaux	Gramm	Glenn		
Brownback	Kempthorne	Bumpers	Grassley	Harkin		
Burns	Lott	Cleland	Kyl	Inouye		
Campbell	Mack	Conrad	Lugar	Kennedy		
Cochran	McConnell	Daschle	McCain	Kerrey		
Collins	Murkowski	Dodd	Roth	Kerry		
Coverdell	Nickles	Dorgan	Smith, Gordon	Kohl		
Craig	Roberts	Durbin	Thomas	Leahy		
D'Amato	Santorum	Feinstein	Warner	Levin		
DeWine	Sessions	Ford		Lieberman		
Domenici	Shelby	Graham		Reed		
Faircloth	Smith, Bob	Hollings		Reid		
Frist	Snowe	Johnson		Robb		
Grams	Specter	Landrieu		Rockefeller		
Gregg	Stevens	Lautenberg		Wellstone		
Hagel	Thompson	Moseley-Braun		Wyden		
Hatch	Thurmond	Moynihan				
		Murray				
		Sarbanes				
		Torricelli				

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

order the Defense Department to report on the costs and savings of earlier base closure rounds and on the need, if any, for additional base closure rounds. The report would have to contain specific data on the actual operation and maintenance, military construction, environmental cleanup, economic assistance, unemployment compensation, and military health care costs incurred so far, as well as expected future costs (the closure process has not been completed at most of the bases approved for closure under earlier rounds). Data on specific savings would be required as well. Other report requirements include: a comparison for each prior year of the costs and savings that were projected and the actual costs and savings that have occurred; a list of military installations authorized to have 300 or more civilian personnel; and an estimate of current excess capacity at military installations based on specified criteria. The report would be submitted no later than the date on which the President submitted his budget proposal for fiscal year 2000. The report would be reviewed by the Congressional Budget Office (CBO) and the General Accounting Office (GAO), and new BRAC activities would not be funded until the completion of that review.

NOTE: Following the vote, the McCain/Levin amendment, as amended, was adopted by voice vote.

**Those favoring the amendment contended:**

**Argument 1:**

We have supported base closure rounds in the past, but we now have ample reason to doubt that those earlier rounds were effective in reducing spending. Further, even if they were effective, we do not know if additional rounds could also reduce spending without harming military capabilities. Additionally, we are greatly disturbed that the last round of closings was politicized, we believe illegally, by President Clinton. Under these circumstances, it would be highly inappropriate to authorize two additional base closure rounds. Congress should not risk damaging military capabilities, nor should it cause the severe local economic disruption that comes from base closings, based on little more than an uninformed guess that more bases should be closed. We have therefore proposed the Dorgan/Lott/Daschle amendment as an alternative to the McCain/Levin proposal to authorize 2 more base closure rounds. This alternative amendment would require the Defense Department to gather the information that Congress needs to make an informed decision (which we note is information that it should have had the sense to gather already) and would require other experts to examine and verify the accuracy of that data. Then, if circumstances warranted, we would approve further base closure rounds.

Our main concern is that both the General Accounting Office (GAO) and the Congressional Budget Office (CBO) have issued very disturbing reports on the base closure process. The GAO writes that the Department of Defense (DoD) "cannot provide information on actual savings" from previous base closings, and that the information it provided was "inconsistent . . . unreliable . . . incomplete." The CBO similarly reports that it: "cannot evaluate the accuracy of DoD's estimates without empirical data. The DoD does not track . . . actual savings that have accrued." The CBO goes on to state that Congress should not consider additional base closure rounds until independent analysts have had the opportunity to assess fully the actual costs and benefits of the rounds that have already taken place.

Many Senators, and it seems the DoD, are assuming that because forces have been cut by one-third since the end of the Cold War that base infrastructure should be cut by the same proportional amount. We find that assumption to be pretty tenuous. For strategic, distribution, or other reasons it may be important not to reduce bases based on the overall level of troop strength. For instance, if the United States had only two supply depots, one on the East Coast and one on the West Coast, each of which supplied bases near them, and if troop strengths were reduced, one could make the argument that neither depot was being used to capacity so one should be closed and the remaining depot should supply all the bases. On paper that move would be shown as saving money if one did not then take into account the costs of having to move supplies across the country.

In looking at the estimates from the Defense Department, we find a number of serious flaws. First, we note that little distinction is being made on the types of bases being closed. For instance, the operational bases, which host the combat units that are declining, are already being reduced proportionally. When all of the BRAC rounds that have been held so far are completed, one-third of the Air Forces' major air bases will be closed, the Navy will have closed 10 of 17 naval stations and 12 of 29 naval air stations, and the Army will have closed one-third of its major combat and training facilities. Second, for other bases, the size of the reductions should be measured by the plant replacement value of the bases, and reductions from around the world should be counted, not just reductions in the United States. When one uses that measure, one finds that base infrastructure has fallen by 27 percent. Third, the Defense Department's estimates, according to the CBO, are flawed because they do not take into account the full cleanup costs when a base is closed, they underestimate the economic transition costs and overestimate the proceeds from sales of bases, and they fail to consider the construction costs at bases which are given the missions of the closed bases. Even using its flawed estimates, the Defense Department claims savings of only about \$1 billion per year from 1988 through 2001.

Our final concern with approving new base closure rounds is that President Clinton, in our opinion, broke the law in the last round when he politicized two closings for his own personal political gain. In an election year, he announced that two bases in States with large number of electoral votes would be "privatized in place." Under the law, he had only the choice to approve or disapprove an entire list of bases to be closed. He approved the list with those two bases on it. Then, instead of closing them and having their

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functions transferred to other bases, he announced that the bases would be kept open with the same employees who would work under contract to the Defense Department. No savings would materialize; he kept those bases open as a way of trying to buy the votes of their employees. Some Senators suggest that he did not break the law because the Defense Department has the option of contracting for services with the private sector when those services are no longer provided by a closed military facility. We think this reading of the law is pretty shady--no one intended to have base closings in which the bases did not really close and no savings accrued. We will not approve any future rounds unless we are totally certain that the process will never again be politicized.

In future years, once all closing costs have been paid, the Defense Department estimates that the base closure rounds that it has instituted to date will produce \$5.3 billion in annual savings. We certainly hope so; we voted for those base closure rounds. Right now, we have good reason to believe that the savings will be significantly less, and we have no valid reason to expect that future rounds will achieve any savings. The leadership substitute amendment would give Senators the information they need to determine whether future base closings are in the United States' interests. We urge our colleagues to accept this amendment.

#### Argument 2:

We have never supported the base closure process. Congress, not an unelected commission, should determine the appropriate number, size, type, and locations of military installations. For nearly 200 years Congress was able to make those tough decisions. In some instances, bases were closed, often causing considerable hardship for the surrounding communities, but somehow Congress still managed to live up to its responsibilities. Unfortunately, in the 1980s it came up with a way that allowed it to avoid most of the political consequences of base closures. That approach was to make an unelected commission provide a list of bases to close, and then to limit Congress to either accepting or rejecting that list. With that approach, an individual Member could tell his or her constituents that he opposed the particular base closings that affected them, but that he or she voted for the list because the other closings were justified and needed. The result that we predicted has occurred; bases have been closed across the country, causing great economic hardship, and they have been closed for minimal benefits. The Defense Department projects that by 2001 savings of about \$5.6 billion annually will start to accrue from having shut down one-fifth of the military installations in the United States, and it estimates that less than \$2 billion annually has been saved since the process started. The Defense Department has a budget of \$268 billion. These savings are pretty small. Further, they may not really exist. The Congressional Budget Office and other research organizations have said that while the data is incomplete, they believe that the Defense Department's estimates are too high. We believe that we would not be in this situation if Congress had not chosen to insulate itself from the democratic process. If Members had remained accountable, the voters would have held them accountable, and decisions would have been made with greater care. It is unlikely we will ever vote in favor of a base closure commission, but we do not mind voting in favor of a study on the need for such a commission as a substitute for two more base closure rounds. On that basis, we urge the acceptance of this amendment.

#### Those opposing the amendment contended:

Senators should not accept the Dorgan amendment as a substitute for the McCain/Levin amendment. Action, not a report, is needed. We do not reach this decision lightly. We fully appreciate the extreme economic hardships that local communities can suffer when military installations close. In many cases the Defense Department is the major employer in a town. Thus, when it closes a base it can take most of the town's jobs with it. Even the rumored possibility of a closing can, and does, cause economic havoc. If there were any responsible alternative to the McCain/Levin amendment we would gladly take it. Unfortunately, we know of no such alternative.

The defense budget is frozen, and it will remain frozen until the budget is balanced. Senators may not like that fact, but it is an unavoidable reality. In fact, in real terms the amount spent will continue the steady decline that has been going on since 1985. If no action is taken, United States defense capabilities will decline rapidly. Modernization accounts especially are grossly underfunded. We are also robbing readiness accounts to pay for peacekeeping operations, and the erosion in the value of military pay, substandard military housing, and extremely high operating tempos are destroying morale and making recruitment difficult. The unenviable task with which we are confronted is how to provide the best possible defense using the inadequate resources available.

Within the defense budget, there is one area that is hugely overfunded for the size of our much smaller defense forces. That area is base infrastructure. The reason it is so overfunded is that it is the most politically sensitive area. Bases contribute greatly to local economies. The communities and States in which they are located are always determined to keep them from closing. Members who can ward off efforts to close them get tremendous political support. This fact makes it very difficult to eliminate defense base infrastructure.

To address this problem, Members had the courage in 1988 to approve the base closure process. That process is designed to make sure that bases are closed on the basis of military need rather than political clout. Because every Member wants to protect the bases in his or her own State, and because some Members obviously have more influence than others, having Congress decide on an individual basis which facilities to eliminate would skew the results. Under the base closure process, independent experts decide

based on national security considerations which bases are no longer needed, and Members are given only an up-or-down vote on the entire list. Four base closure rounds have been held, and the disruption for communities across the country has been extreme. National security has been strengthened by this difficult process, but Members are not anxious to go through it again. However, it is clear that further rounds are needed.

The first four rounds have reduced base infrastructure by 21 percent. Forces, though, have been reduced by 36 percent. In other words, we have not cut the support facilities for our troops by as nearly as much as we have cut our troops. Before end-strengths had even been cut at all, the Defense Department believed that there was excess infrastructure; now, after four rounds of base closings, the Chairman of the Joint Chiefs of Staff says that the problem is worse than when we started. He is not alone--every Member of the Joint Chiefs of Staff has urged Congress to authorize additional base closings. Without those closings, the United States will not be able to modernize its military. It will have a lot of politically popular defense installations scattered across the country, providing antiquated supplies to poorly equipped, undertrained, demoralized troops. The United States is the world's strongest country now, but if it refuses to modernize its forces it soon will not be.

The four rounds that have been held so far have not yet produced huge savings because they are not yet complete. However, once bases are completely closed, no further costs will be incurred. Savings will then start to accumulate. According to the Defense Department, starting in 2001 the annual savings from the earlier rounds will be \$5.6 billion. As a result of the courage of earlier Congresses, the Defense Department will have that much additional money to spend each year on modernizing our military forces. According to the just completed Quadrennial Defense Review, having two more rounds, in 1999 and 2001, will increase savings by \$2.7 billion per year. Achieving these savings will have political but no military costs. These bases are not needed; they are just stealing money from legitimate defense needs, and putting our national security and the men and women of the Armed Forces at risk.

Some Senators have argued that the savings have not been adequately proven, and that they have not been as great as they should have been. We agree. We want better quantification, and we want greater savings. The process can be improved. Unlike our colleagues, we do not believe that the fact that unneeded bases have been closed in a costly manner is a justification for keeping them opened. We fully support detailed auditing of prior base closings as a means of determining ways to improve the process. The McCain/Levin amendment would require a review, and if that review showed that greater savings could be achieved if reforms were implemented prior to new closings, we would support a delay.

The final concern many Members have with authorizing a new round of base closures is that the process was politicized last time by President Clinton. Some of us supporting the McCain/Levin amendment agree that the last round was politicized, but we note that this amendment contains a provision that will prevent the questionable actions that were taken by the President from being repeated. His actions last time were of dubious legality; if he took the same actions again they would be clearly illegal. The important point to remember is that regardless of any Member's views of the President's actions, for national security reasons we need to close more bases.

Approving the substitute amendment will not reduce the need for cutting our defense base infrastructure. It will only delay the pain. We are confident that Members will eventually face the painful reality that further cuts are needed. Unfortunately, we do not believe we have the votes to prevail today, so our defense capabilities are going to deteriorate further in the interim. For our part, we will not vote for a delay. We strongly oppose the Dorgan/Lott/Daschle amendment.